

IN THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT

FILED

SALINE COUNTY, ILLINOIS

FEB 05 2010

JEREMY BARTER,

Plaintiff

vs.

THE AMERICAN COAL COMPANY,

Defendant

No. 2010-L-5

Frank P. Neary
CLERK OF THE CIRCUIT COURT
SALINE COUNTY STATE OF ILLINOIS

COMPLAINT

Now comes the plaintiff, Jeremy Barter, by his attorneys, Howerton, Dorris & Stone, and complaining of the defendant, The American Coal Company, says:

1. At all times relevant herein, Jeremy Barter was a resident of Saline County, State of Illinois.
2. At all times relevant herein, The American Coal Company was a Delaware corporation, with its principal place of business in Southern Illinois.
3. At all times relevant herein, Jeremy Barter was an employee in good standing with defendant.
4. Prior to September, 2007, Jeremy Barter had sustained a work related injury and pursued his rights and benefits under the Illinois Workers' Compensation Act.



5. Prior to September, 2007, defendant had accommodated what were permanent physical restrictions of Jeremy Barter that were imposed upon him in consequence to his work related injury.

6. Because The American Coal Company had accommodated Mr. Barter's permanent restrictions, the value of Mr. Barter's Illinois workers' compensation claim was not as high as it would have been had The American Coal Company refused to accommodate his permanent restrictions.

7. In September of 2007, having accommodated Jeremy Barter's physical restrictions, The American Coal Company laid Jeremy Barter off claiming "sudden unforeseeable circumstances that are beyond the company's control."

8. That subsequent to September, 2007, to the present day The American Coal Company has never sought to recall Jeremy Barter back to his employment, despite the need to fill Jeremy Barter's job.

9. That the lay off and refusal to recall amounts to a termination, which was done in retaliation for his pursuit of his Illinois workers' compensation claim.

10. In consequence of this retaliation, Jeremy Barter has suffered economic loss and benefits and wages.

WHEREFORE, your plaintiff, Jeremy Barter, prays for judgment against the defendant, The American Coal Company, for compensatory damages and punitive damages, together with costs of suit.

HOWERTON, DORRIS & STONE

BY

Attorneys for Plaintiff

HOWERTON, DORRIS & STONE
300 West Main Street
Marion, IL 62959
Telephone: (618) 993-2616

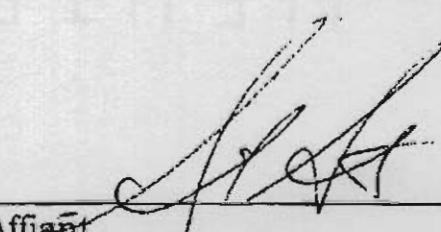
STATE OF ILLINOIS }
 } SS.
COUNTY OF WILLIAMSON }

AFFIDAVIT

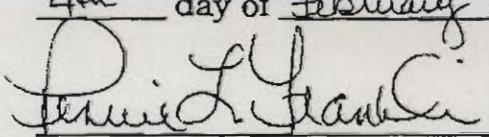
I, Stephen W. Stone, being first duly sworn, upon oath depose and say:

1. I am an attorney for the plaintiff in the foregoing cause.
2. In my professional opinion, the damages in this case might or could exceed \$50,000.00.

Further affiant saith not.


Affiant

Subscribed and sworn to before me this
4th day of February, 2010.



Pennie L. Franklin
Notary Public



STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

SALINE

COUNTY

JEREMY BARTER,

Plaintiff

vs.

THE AMERICAN COAL COMPANY,

Defendant

No. 2010-L-5

SUMMONS

The American Coal Company

To each defendant: Registered Agent: CT Corporation Systems, 208 South LaSalle Street, Suite 814, Chicago, IL 60604

You are summoned and required to file an answer in this case, or otherwise file your appearance in the Office of the Clerk of this Court at the Saline County Courthouse building, room _____,

(Address)

Harrisburg

(City)

, Illinois, within 30 days after service of this summons,

not counting the day of service. IF YOU FAIL TO DO SO, A JUDGMENT OR DECREE BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT

To the officer: Sheriff of Cook County, Illinois

This summons must be returned by the officer or other person to whom it was given for service, with indorsement of service and fees, if any, immediately after service. If service cannot be made, summons shall be returned so indorsed.

This summons may not be served later than 30 days after its date.

(Seal of Court)



WITNESS

2/5, 2010

By: Randall Nyberg
(Clark of the Circuit Court)

(Deputy)

(Plaintiff's Attorney or Plaintiff if he is not represented by an Attorney)

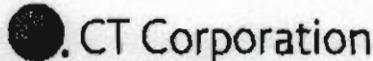
HOWERTON, DORRIS & STONE

Attorney for Plaintiff

300 West Main

Marion, Illinois 62959

(618) 993-2616



**Service of Process
Transmittal**

03/04/2010
CT Log Number 516253114



TO: Chris Van Bever, Associate General Counsel
Murray Energy Corporation
101 Prosperous Place, Suite 125
Lexington, KY 40509

RE: **Process Served in Illinois**

FOR: The American Coal Company (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Jeremy Barter, Pltf. vs. The American Coal Company, Dft.

DOCUMENT(S) SERVED: Summons, Return Form, Complaint, Affidavit(s)

COURT/AGENCY: Saline County - 1st Judicial Circuit Court, IL
Case # 2010L5

NATURE OF ACTION: Employee Litigation - Wrongful Termination - Wrongful termination due plaintiff filing a Workers Compensation claim

ON WHOM PROCESS WAS SERVED: C T Corporation System, Chicago, IL

DATE AND HOUR OF SERVICE: By Process Server on 03/04/2010 at 11:30

APPEARANCE OR ANSWER DUE: Within 30 days after service, not counting the day of service

ATTORNEY(S) / SENDER(S): Howerton, Dorris & Stone
300 West Main Street
Marion, IL 62959
618-993-2616

ACTION ITEMS: SOP Papers with Transmittal, via Fed Ex 2 Day , 799444749200
Email Notification, Michael McKown mmckown@coalsource.com
Email Notification, Bob Murray bobmurray@coalsource.com
Email Notification, Chris Van Bever cvanbever@coalsource.com

SIGNED: C T Corporation System
PER: Jill Duffy-Baricovich
ADDRESS: 208 South LaSalle Street
Suite 814
Chicago, IL 60604
TELEPHONE: 312-345-4336